REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, claims 1-4, 15 and 16 are amended. Thus, claims 1-20 remain pending with claims 1 and 16 being independent. No new matter has been added.

Rejections Under 35 U.S.C. §102(b)

Claims 1-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ide (U.S. 6,361,290).

Applicants submit that claims 1-15 as now pending are allowable over the cited prior art. Specifically, amended independent claim 1 recites a hermetic compressor comprising an inlet pipe having one end opening to the sound deadening space and another end opening to a hermetic container, an outlet pipe having one end opening to the sound deadening space and another end opening to a compression chamber, a gas flow forming part forming a gas flow flowing in a constant direction in the sound deadening space by arranging the inlet pipe so that the one end opening in the sound deadening space of the inlet pipe extends in an approximately horizontal direction along a wall surface in an upper end of the sound deadening space and arranging the outlet pipe so that the one end opening in the sound deadening space of the outlet pipe is disposed lower than the one end opening in the sound deadening space of the inlet pipe.

The invention covered by claim 1 is configured so as to allow the gas entering from the inlet pipe to flow to the upper outlet pipe in the sound deadening space.

Such a compressor is neither disclosed nor rendered obvious by the cited prior art. In particular, Ide discloses gas flowing from the upper to the lower pipe in the deadening space. However, Ide fails to disclose the recited structure of claim 1, and that the gas entering from the inlet pipe flows to the upper outlet pipe in the sound deadening space in the manner recited in claim 1. That is, since in Ide, the "inlet pipe" would be 8b and the "outlet pipe" would be 8a, this configuration has an inlet pipe opening *below* the outlet pipe opening, lacks one end opening in the sound deadening space of the inlet pipe extending in an approximately horizontal direction

along a wall surface in an upper end of the sound deadening space, and does not enable the gas to flow in a constant direction in the sound deadening space, as required by the arrangement recited in claim 1. Additionally, there is no reasoning in the prior art to modify Ide such that it would have rendered claim 1 obvious. Any such modification would be improper hindsight. That is, the only reasoning to modify Ide to render claim 1 obvious is found in the present specification.

Therefore, Applicants submit that independent claim 1 and its dependent claims are allowable over the cited prior art.

Claims 16-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Lee (U.S. 2004/0179955).

Applicants submit that amended independent claim 16 and its dependent claims are allowable over the cited prior art. In particular, claim 16 now recites a hermetic compressor comprising an internal opening of an inlet pipe that extends in an approximately horizontal direction along a wall surface and an internal opening of an outlet pipe that is disposed lower than the internal opening of the inlet pipe and in a location within a sound deadening space so as to constitute a gas flow forming part that causes a flow of refrigerant gas along the bottom part of the sound deadening space in a constant direction toward an oil discharge opening to cause oil in the sound deadening space to pool at the oil discharge opening.

Applicants submit that the cited prior art does not disclose nor render obvious such a compressor. In particular, Lee has a different structure from the recited inlet pipe and outlet pipe positions of the invention, as recited in claim 16. Additionally, the Lee configuration enables the system to convert the flowing motion of the refrigerant into the spiral flowing motion. Thus, as shown in Fig. 4 of Lee, the internal opening of an inlet pipe does not extend in an approximately horizontal direction along a wall surface. Additionally, this configuration does not cause a flow of refrigerant gas along the bottom part of the sound deadening space in a constant direction toward an oil discharge opening to cause oil in the sound deadening space to pool at the oil discharge opening, as recited in claim 16.

Thus, Applicants submit that Lee does not disclose the claimed inlet and outlet pipes which cause the recited flow of refrigerant gas. Moreover, there is no reasoning in the prior art to

modify Lee such that it would have rendered claim 16 obvious. Any such modification would render Lee inoperative for its intended purpose. That is, Lee has a specific configuration to enable the system to convert the flowing motion of the refrigerant into the spiral flowing motion. Any modification to Lee would render such spiral flowing motion inoperative.

Therefore, Applicants submit that claim 16 and its dependent claims are allowable over the cited prior art.

Conclusion

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Ko INAGAKI et al.

/Jeffrey J. Howell/
2009.08.12 10:14:42 -04'00'

By:_____

Jeff J. Howell
Registration No. 46,402
Attorney for Applicants

JJH/ekb
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
August 12, 2009